

Article - Family Law

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§5-525.1.

(a) If a child placement agency to which a child is committed under § 5-525 of this subtitle determines that adoption of the child is in the best interest of the child, the child placement agency shall refer the case to the agency attorney within 60 days of the determination and the agency attorney shall file a petition for termination of the natural parent's rights with the court within 60 days of receipt of the referral.

(b) (1) Except as provided in paragraph (3) of this subsection, a local department to which a child is committed under § 5-525 of this subtitle shall file a petition for termination of parental rights or join a termination of parental rights action that has been filed if:

(i) the child has been in an out-of-home placement for 15 of the most recent 22 months;

(ii) a court finds that the child is an abandoned infant; or

(iii) a court finds that the parent has been convicted, in any state or any court of the United States, of:

1. a crime of violence against:

A. a minor offspring of the parent;

B. the child; or

C. another parent of the child; or

2. aiding or abetting, conspiring, or soliciting to commit a crime described in item 1 of this item.

(2) For purposes of this subsection, a child shall be considered to have entered an out-of-home placement 30 days after the child is placed into an out-of-home placement.

(3) A local department is not required to file a petition or join an action if:

(i) the child is being cared for by a relative;

(ii) the local department has documented in the case plan, which shall be available for court review, a compelling reason why termination of parental rights would not be in the child's best interests; or

(iii) the local department has not provided services to the family consistent with the time period in the local department's case plan that the local department considers necessary for the safe return of the child to the child's home.

(c) If a petition is filed under subsection (b) of this section, the local department shall identify, recruit, process, and seek to approve a qualified family for adoption, guardianship, or other permanent placement.

(d) This section may not be construed to:

(1) prohibit the filing of a petition at an earlier date or under other appropriate circumstances; or

(2) require a local department to file a petition or, except as otherwise provided by law, require expedited termination of parental rights for a child in kinship care.

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